

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

RAUL ACOSTA,

Defendant.

Case No. 23-cr-00376 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

During the sentencing proceeding today, Defendant repeatedly demanded to leave the Courtroom, was disruptive, loud, agitated, and acted in a manner that required the Marshals to restrain him. He had to be escorted from the Courtroom by the Marshals. This is not the first time the Defendant had engaged in outbursts in the Courtroom. Indeed, at his arraignment on August 31, 2023, Defendant yelled and cursed at the Court such that his attorney requested that he be excused from the courtroom for the remainder of the proceeding. ECF No. 8 at 5. The Court did not excuse him and completed the proceeding with Defendant present.

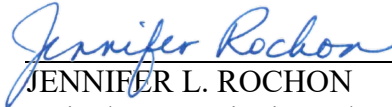
Given the disruption and disorderly conduct of the Defendant, the Court adjourned the sentencing hearing and has scheduled a new date to complete the sentencing process: April 2, 2024 at 12:00 p.m. This should provide the Defendant ample time to reflect, consult with his counsel, and return ready and able to conclude the hearing.

The Court hereby warns Defendant that subsequent displays of disorderly and disruptive behavior will result in his removal from the courtroom. *See* Fed. R. Crim. P. 43(c)(1)(C) (“A defendant . . . who had pleaded guilty . . . waives the right to be present . . . when the court warns the defendant that it will remove the defendant from the courtroom for disruptive behavior, but the defendant persists in conduct that justifies removal from the courtroom.”). Defendant’s counsel shall communicate the Court’s warning to Defendant in

advance of April 2, 2024. It is certainly the Court's hope that this warning will be heeded and that the remainder of the sentencing hearing can conclude in an orderly fashion on April 2, 2024.

Dated: March 27, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge